

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 214 of 1989

in

SPECIAL CIVIL APPLICATION No 7415 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL

and

Hon'ble MR.JUSTICE C.K.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

CHANDRA S SABNANI

Versus

DEPUTY SECRETARY

Appearance:

MR YN OZA for Appellant

MR RJ OZA for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE B.C.PATEL and

MR.JUSTICE C.K.BUCH

Date of decision: 29/12/98

ORAL JUDGEMENT [PER : B.C.PATEL, J]

Being aggrieved by the order passed by learned

Single Judge dated 29.12.1988 in Special Civil Application No. 7415/88, the appellant has preferred this appeal.

The appellant was not called for interview for the post of Head of Architecture Department for Government Polytechnic in GES Class :I. Gujarat Public Service Commission was of the opinion that the appellant had no sufficient or requisite experience as per the rules and hence appellant was not called for interview.

Learned counsel appearing for the appellant submitted that learned Judge has considered in view of the advertisement that there must be about five years' experience in a position of "professional responsibility"; about three years of which should have spent on work and about two years in Design office or in Research work. Learned counsel for the appellant has submitted that considering the fact that the appellant was Post Graduate, two years' experience should have been reduced as mentioned in the advertisement. Other side has disputed that the qualification which the appellant has obtained, is not a Master Degree in Architecture and, therefore, appellant must possess experience of five years. Learned Single Judge has rightly pointed out that the position as Part-time Lecturer or Visiting Lecturer cannot be said to be a position of professional responsibility.

If some ineligible candidates have been called for interview, that would not give cause of action to the appellant. At the most, appellant can file a petition if they are appointed on the ground that they had no requisite experience. We are in agreement with the view taken by learned Single Judge and hence this appeal requires to be dismissed. Hence, appeal is dismissed. No orders as to costs.

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